

**MCKEE, VOORHEES & SEASE, PLC**  
~~MCKEE, VOORHEES & SEASE, PLC~~

ATTORNEYS AT LAW

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MAR 28 2005

DATE: March 28, 2005

TO: Mail Stop AMENDMENT/Petition - Art Unit 1746

COMPANY: USPTO

PHONE:

FAX: 703-872-9306

FROM: KIRK M. HARTUNG

NUMBER OF PAGES (Including cover): 14

Attached is a copy of the date stamped postcard and all papers which were filed January 13, 2004 regarding the AMENDMENT, PETITION AND FEE TO ADD BARRY E. TULLER AS AN INVENTOR, for the following:

APPLICANT : RACHES, et al.  
SERIAL NO : 10/647,492  
FILED : August 25, 2003  
TITLE : THREE RACK DISHWASHER WITH DOOR  
MOUNTED SILVERWARE BASKET

Grp./A.U. : 1746  
Examiner :  
Conf. No. : 2378  
Docket No. : P06038US00

By: Kirk M. Hartung  
Kirk M. Hartung, Reg. No. 31,021

THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMITTAL COVER SHEET CONTAIN INFORMATION FROM THE LAW FIRM OF MCKEE, VOORHEES & SEASE WHICH MAY BE CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THE DOCUMENTS ARE INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE ADDRESSEE IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING THESE DOCUMENTS TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TRANSMITTED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY THIS FIRM SO THAT WE CAN ARRANGE FOR THE RETURN OF THE ORIGINAL DOCUMENTS TO US. THANK YOU.

**RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: RACHES et al.

Serial No. 10/647,492

Filed: August 25, 2003

Title: **THREE RACK DISHWASHER WITH DOOR MOUNTED  
SILVERWARE BASKET**



Receipt is hereby acknowledged of the accompanying:

- Amendment, Petition and Fee to Correct and/or Add to Originally Named Inventors
- Statement of Non-Deceptive Intent by Person Being Added by Petition to Change Inventorship in Patent
- Statement Under 37 CFR 3.73(b) and copy of Assignment
- Supplemental Declaration for Utility or Design Patent Application
- Check for \$130.00 (petition to add inventor)

On January 13, 2004, the above described documents are being deposited with the U.S. Postal Service in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

206038US0 IP-175-2003 M525-428

pw/KMH

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Practitioner's Docket No. P06038US0

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **RACHES, et al.**

Serial No: 10/647,492

Art Unit: 1746

Filed: August 25, 2003

Examiner:

For: **THREE RACK DISHWASHER WITH DOOR MOUNTED  
SILVERWARE BASKET**

Assistant Commissioner for Patents

Mail Code

P. O. Box 1450

Alexandria, VA 22313-1450

**AMENDMENT, PETITION AND FEE TO CORRECT AND/OR ADD TO  
ORIGINALLY NAMED INVENTOR(S) (37 C.F.R. 1.48(a) AND/OR (c))**

NOTE: 37 C.F.R. § 1.48(f)(1) states: "If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship.

(2) If the correct inventor or inventors are not named on filing a provisional application without a cover sheet under § 1.51(c)(1), the later submission of a cover sheet under § 4.51(c)(1) during the pendency of the application will act to correct the earlier identification of inventorship."

1. This amendment and petition is to:

☒ correct the incorrect original naming of inventor(s) in the declaration under 37 C.F.R. § 1.48(a) and/or

☐ add inventor(s) for subject matter disclosed in the application but previously unclaimed under 37 C.F.R. § 1.48(c).

---

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR § 1.8(a))**

---

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: 1/13/04  
Signature**KIRK M. HARTUNG**

(type or print name of person certifying)

Allowance (6-4) --page 1 of 3

## 2. Addition and/or deletion of inventor(s)

☒ Add the following previously unnamed person(s) as inventor(s) of this application:

BARRY E. TULLER

☐ Delete the following previously incorrectly named inventor(s)

## 3. Attachments

Attached is

(a) A statement from:

☒ each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).

☐ each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).

☐ each person being added as an inventor that the amendment is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(c)(1).

(b) a declaration by each of the actual inventor(s) as required by 37 C.F.R. § 1.63.

(c) written assent of the assignee (if applicable)

## 4. Fee payment (37 C.F.R. § 1.17(l))

The fee required is paid as follows:

☒ Enclosed is a check in the amount of \$130.00

☒ Charge Account No. 26-0084 in the amount of for any fee deficiency.  
(A duplicate of this request is attached.)

☐ Charge account \_\_\_\_\_ the sum of \$ \_\_\_\_\_.

Reg. No. 31,021

Tel. No.: (515) 288-3667

Kirk M. Hartung  
SIGNATURE OF PRACTITIONER

KIRK M. HARTUNG  
(type or print name of attorney)

801 Grand Avenue, Suite 3200  
P.O. Address

Des Moines, Iowa 50309

ATTORNEY'S DOCKET NO. P06038US0

PATENT

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Patent Application

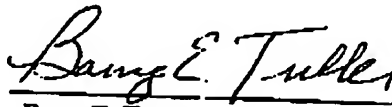
Name of Patentee: RACHES, et al.  
Title of Invention: THREE RACK DISHWASHER WITH DOOR MOUNTED  
SILVERWARE BASKET  
Serial No: 10/647,492  
Filing Date: August 25, 2003

## COMMISSIONER FOR PATENTS

Mail Code  
P. O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT OF NON-DECEPTIVE INTENT BY PERSON BEING ADDED  
BY PETITION TO CHANGE INVENTORSHIP IN PATENT  
(37 CFR §1.324(b)(1))

I, Barry E. Tuller, who is being added as an inventor by the petition being submitted to correct the inventorship of this patent does hereby declare that the inventorship error in failing to include my name as an inventor on this patent occurred without any deceptive intention on my part.

  
Barry E. Tuller

## CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 with sufficient postage:

37 CFR 1.8(a)

☐ as first class mail

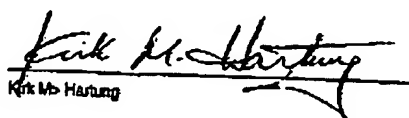
37 CFR 1.10

☐ as "Express Mail Post Office to Addressee" Mailing Label No. \_\_\_\_\_


## TRANSMISSION

2. transmitted by facsimile to the Patent and Trademark Office

Date: 1/13/04

  
Kirk M. Hartung

Respectfully submitted,

  
Kirk M. Hartung, Reg. No. 31021  
ZARLEY, MCKEE, THOMAS,  
VOORHEES & SEASE  
CUSTOMER NO: 27139  
Attorneys of Record

801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
515-288-3667 (phone)  
515-288-1338 (fax) -bj-

Approved for use through 10/31/2002. OMB 0851-0031  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Scott D. Raches, James K. Starkweather, Wayne M. VanLandingham, Barry E. Tuller  
 Application No./Patent No.: 10/647,492 Filed/Issue Date: August 25, 2003  
 Entitled: THREE RACK DISHWASHER WITH DOOR MOUNTED SILVERWARE BASKET  
MAYTAG CORPORATION, a Delaware Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
 2. ☐ an assignee of less than the entire right, title and interest.  
 The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %  
 in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.  
 2. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.  
 3. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.  
 (NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

January 5, 2004  
 Date

Patricia E. Martin

[Signature]  
 Typed or printed name  
 Signature

V.P. Secretary and Deputy General Counsel

True

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## A S S I G N M E N T

In consideration of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof are hereby acknowledged, the undersigned hereby assign to **MAYTAG CORPORATION**, an Iowa corporation, having an address of 403 W. 4th St., North, Newton, Iowa 50208-0039, its successors and assigns the entire right, title and interest in the invention or improvements of the undersigned disclosed in an application for Letters Patent of the United States, Serial No. 10/647,492 filed in the United States Patent and Trademark Office on the 25th day of August, 2003, entitled **THREE RACK DISHWASHER WITH DOOR MOUNTED SILVERWARE BASKET**, and in said application and any and all other applications for United States Letters Patent, which the undersigned may file, either solely or jointly with others, on said invention or improvements, and in any and all Letters Patent, applications, and in any reissue or extension thereof.

The undersigned hereby authorize and request the Commissioner of Patents to issue said Letters Patent to said **MAYTAG CORPORATION**.

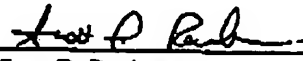
For said considerations the undersigned hereby agree, upon the request, and at the expense of said assignee, its successors and assigns, to execute any and all divisional continuation and substitute applications for said invention or improvements, and any necessary oath or affidavit relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon said application, and for the said considerations the undersigned further agree upon the request of said assignee, its successors or assigns, in the event of any application or Letters Patent assigned herein becoming involved in interference, to cooperate to the best of the ability of the undersigned with said assignee, its successors or assigns in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof, the undersigned hereby agreeing to perform, upon request, any and all affirmative acts to obtain said Letters Patent of the United States and vest all rights therein hereby conveying in the said assignee, its successors and assigns whereby said Letters Patent will



be held and enjoyed by the said assignee, its successors and assigns to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment and sale had not been made.

And for said considerations the undersigned hereby assign to said assignee, its successors and assigns, the entire right, title and interest in said invention or improvements for any and all foreign countries and agree upon the request of assignee, its successors and assigns to execute any and all documents that undersigned shall be requested to execute in connection with any and all applications for foreign Letters Patent therefor, including the prosecution thereof, and to execute any and all documents necessary to vest title in said foreign applications and patents in assignee.

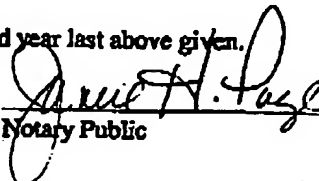
The attorneys of record are hereby authorized to insert the serial number and the filing date in the above blank spaces when received from the Patent Office.

  
Scott D. Raches

STATE OF TENNESSEE )  
COUNTY OF Madison ) ss.

On this 4th day of August, 2003, before me, a Notary Public in and for the County and State aforesaid, appeared Scott D. Raches, to me personally known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as his free and voluntary act for the uses and purposes therein expressed.

Witness my hand and seal the day and year last above given.

  
Notary Public

Commission Expires 12/21/04

James K. Starkweather  
James K. Starkweather

STATE OF TENNESSEE )  
COUNTY OF Madison ) ss.

On this 13 day of August, 2003, before me, a Notary Public in and for the County and State aforesaid, appeared James K. Starkweather, to me personally known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as his free and voluntary act for the uses and purposes therein expressed.

Witness my hand and seal the day and year last above given.

Janice H. Page  
Notary Public

Commission Expires 12/21/04

Wayne M. VanLandingham  
Wayne M. VanLandingham

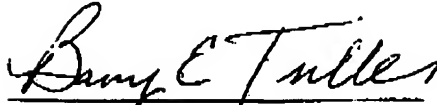
STATE OF TENNESSEE )  
COUNTY OF Madison ) ss.

On this 5<sup>th</sup> day of August, 2003, before me, a Notary Public in and for the County and State aforesaid, appeared Wayne M. VanLandingham, to me personally known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as his free and voluntary act for the uses and purposes therein expressed.

Witness my hand and seal the day and year last above given.

Janice H. Page  
Notary Public

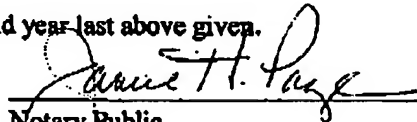
Commission Expires 12/21/04

  
Barry E. Tuller

STATE OF TENNESSEE )  
COUNTY OF Madison ) ss.

On this 19<sup>th</sup> day of December, 2003, before me, a Notary Public in and for the County and State aforesaid, appeared Barry E. Tuller, to me personally known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as his free and voluntary act for the uses and purposes therein expressed.

Witness my hand and seal the day and year last above given.

  
Notary Public

Commission Expires 12/31/04